REMARKS/ARGUMENTS

Claims 1, 2, and 4-10 are pending. By this Amendment, claims 1, 2, 4-6, and 8-10 are amended.

The Examiner objected to claims 2, 4, 6 and 8 because of informalities. By this Amendment, claims 2, 4, 6, and 8 are amended per the Examiner's suggestions. Hence, this rejection is moot.

Claims 1, 2 and 4-9 stand rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claims the subject matter of the invention. By this Amendment, claims 1, 2 and 4-9 have been amended to more particularly point out and distinguish the present invention. Hence, withdrawal of this rejection is respectfully requested.

Claims 1, 2, 4 and 6-10 stand rejected under 35 U.S.C. §103(a) over Shi et al. (U.S. Patent No. 5,972,247) in view of Enokida et al. (U.S. Patent No. 5,759,444). Claims 1, 2, 4-6 and 9 stand rejected under 35 U.S.C. §103(a) over Hosokawa et al. (U.S. Patent No. 6,534,199).

Applicants respectfully traverse both rejections of the claims under 35 USC 103(a). The arguments in support of the traversals of the rejections are set out below under the headings of the applied prior art.

US Patent No. 5,972,247 to Shi et al. and US Patent No. 5,759,444 to Enokida et al.

The Patent Office contends that Shi teaches an organic material that meets the limitations of the claimed host material. The Patent Office also contends that Shi teaches that fluorescent dyes, e.g., red, green, or blue, can be used to modify the hue of the host material, admitting though that there is no particular disclosure regarding a green fluorescent material.

The Patent Office relies on Enokida to allege that a green luminescent dopant material defined by the formula 1 of claim 1 is known. Citing the teaching of Shi that different fluorescent materials can be used, the Patent Office concludes that it would be obvious to use the dopant of Enokida in combination with the host material of Shi in order to tune the EL device of Shi.

In response to the rejection, claim 1 has been amended, particularly with respect to the host material. Now, X of chemical formula 2 is limited to anthracene and pyrene, and B1 and B2 are limited to aryl, pyridyl, quinoyl, and isoquinyl. The dopant of claim 1 is also revised to remove hydrogen and the substituted or non-substituted aliphatic group. The appropriate changes have been made to dependent claims 5 and 10 regarding the host material and dopant, respectively.

It is respectfully submitted that the combination of Shi and Enokida does not teach each and every limitation of claim 1, as amended. The initial burden of establishing a *prima facie* case of obviousness rests with the Patent and Trademark Office. It is contended that this burden

cannot be met in light of the changes to claim 1, and this claim and its dependent claims should be passed onto issuance.

More particularly, Shi teaches a particular type of host material, i.e., 9,10-bis(3'5'-diary)phenyl anthracene. In view of the revisions to claim 1, the Patent Office cannot now contend that this host material meets the limitations of claim 1 and the rejection must be withdrawn.

Moreover, there is no basis to conclude that Shi could somehow be modified so as to render claim 1 in its amended form obvious. Any such contention could only be the hindsight reconstruction of the prior art in light of Applicants' disclosure. Since the use of hindsight to formulate a rejection under 35 USC 103(a) is expressly prohibited in a litany of cases from the CCPA and the Federal Circuit, any further rejection of claim 1 based on Shi could not be sustained on appeal.

Since claim 1 has been demonstrated to be patentably distinct from the combination of Shi and Enokida, its dependent claims 2 and 4-10 are also in condition for allowance.

US Patent No. 6,534,199 to Hosokawa et al.

In this rejection, the Patent Office alleges that Hosokawa teaches an organic electroluminescence device that includes a pair of electrodes as well an anthracene derivative, which reads on the claimed host material represented by formula 2. The Patent Office further

contends that Hosokawa discloses a mono-di, tri, or tetrastyrl derivative containing an amine, and this compound reads on the claimed dopant represented by formula 1.

In light of the revision to claim 1, wherein formula 1 is revised by redefining A1 and A2, as well as redefining X, B1, and B2 of formula 2, it is respectfully contended that Hosokawa does not establish a prima facie case of obviousness thereagainst. Since Hosokawa does not teach the device of claim 1, the Patent Office can either formulate another rejection or pass claim 1 and its dependent claims onto issuance.

Applicants contend that there is no basis to draw a further conclusion of obviousness based on the teachings of Hosokawa. Since Hosokawa does not teach the combined host material and dopant as now defined in claim 1, the Patent Office cannot reach another conclusion of obviousness without some reason to do so. Applicants' contend that there is no legitimate reason to modify the teachings of Hosokawa and arrive at the invention without using the invention as a teaching template. Any such rejection would be the impermissible use of hindsight to make the rejection, and such a rejection could not be sustained on appeal. Thus, the Examiner's only legitimate recourse is to withdraw the rejection based on Hosokawa and pass claim 1 and its dependent claims onto issuance.

CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, **Daniel Y.J. Kim**, at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
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